

AMENDMENT UNDER 35 U.S.C. § 1.111
U.S. SERIAL NO.: 10/040,632

Atty. Docket No.: Q65113

REMARKS

Applicants thank the Examiner for withdrawing the Notice of Noncompliance issued on April 11, 2006.

Substance of Interview

In a telephone interview with the Examiner on April 14, 2006, regarding the Notice of Noncompliance issued on April 11, 2006, indicating that the Response filed by Applicants on January 18, 2006, was noncompliant for failing to include a complete listing of the claims, Applicants' representative pointed out to the Examiner that no claim amendments had been made, therefore Applicants' paper was in compliance as a Response.

The Examiner accepted the explanation of Applicants' representative and agreed to withdraw the Notice of Noncompliance issued on April 11, 2006.

Claim Rejections

Claims 1-15 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the U.S. Pat. Pub. No. 2001/0002906 to Rune ("Rune") in view of U.S. Patent No. 5,461,608 to Yoshiyama ("Yoshiyama"). Applicants traverse this rejection.

The combination of Rune and Yoshiyama fails to disclose or suggest the features of claim 1. The Examiner concedes that Rune does not specifically teach an amount of slot usage according to the destination and selecting a temporary master device according to the amount of slot usage (Office Action, page 3). The Examiner alleges that Yoshiyama teaches choosing a temporary master device according to the priority of the packet data, and that "the amount of slot usage could definitely be a factor of priority because the amount of slot usage means how much of bandwidth to use" (Office Action, pages 3-4).

Yoshiyama, however, discloses a ring network that selects a temporary master based on fault conditions in the ring (column 2, lines 58-59; column 3, line 49-column 4, line 44), not according to the priority of the packet data (i.e., slot usage) as asserted by the Examiner. Further, priority of the nodes in Yoshiyama's ring network is determined by the node identifier (i.e., the node address), and therefore is not related to any characteristic of the data packet. Consequently, the Examiner's allegation that "the amount of slot usage could definitely be a factor of priority" finds no support in Yoshiyama.

Therefore, even if one of ordinary skill in the art at the time the invention was made had been motivated to combine the references, the combination would not disclose the invention as claimed. For at least the above reasons, claim 1 is patentable over the combination of Rune and Yoshiyama. Claims 2-6, which depend from claim 1, are patentable at least by virtue of their dependency.

Claims 7, 10 and 13 contain features similar to the features recited in claim 1 and are therefore patentable for similar reasons. Claims 8, 9, 11, 12, 14 and 15, which depend from one of claims 7, 10 and 13, are patentable at least by virtue of their dependency.

Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 16-18 have been allowed.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

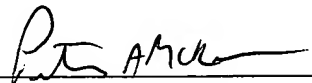
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